

## **MINUTES**

### **UTAH BOARD OF NURSING MEETING**

**June 22, 2007**

**Room 474 – 4<sup>th</sup> Floor –8:30 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 8:32 a.m.

**ADJOURNED:** 3:35 p.m.

**Bureau Manager:**  
**Secretary:**

Laura Poe, Executive Administrator  
Shirlene Kimball

**Conducting:**

Pam Rice

**Board Members Present:**

Pam Rice  
Diane Forster-Burke  
Marilyn Johnson  
Joel Allred  
Susan Kirby  
Barbara Jeffries  
Mary Williams

**Board Members Excused:**

Marie Partridge

**Guests:**

Janet Bryner, Utah School Nurse Association  
Jamie Ferdinand, Utah School Nurse Association

#### **TOPICS FOR DISCUSSION**

##### **ADMINISTRATIVE BUSINESS:**

April 20, 2007 Minutes:

The minutes were approved as written. Ms. Kirby abstained. All other Board members in favor.

May 18, 2007 Minutes:

The minutes were approved as written. All Board members in favor.

##### **NEW BUSINESS:**

Irene Gayheart Report on the NCSBN  
Investigative Summit:

Ms. Gayheart indicated the Investigative Summit was very informative. She indicated topics covered were CyberSex and its effect on nurses' behavior and patient care; discussion regarding the increase in sexual misconduct and boundary complaints; and discussion regarding drug screening and EtG testing.

Environmental scan:

Ms. Poe reported NCSBN is recruiting for NCLEX examination panel members. If anyone is interested in becoming a panel member, please contact Ms. Poe.

Ms. Poe reported that the American Medical Association has a resolution for discussion at their annual meeting to move APRN regulation under medical boards. NCSBN will be responding to the AMA resolution.

Ms. Poe indicated the July meeting will be canceled. The next meeting will be held August 24, 2007.

Discipline report:

Reviewed The report is attached to the minutes.

Divided Into Groups at 9:18 a.m.  
Group I - 9:35 a.m.  
Conducting: Joel Allred  
Secretary: Shirlene Kimball

Members present: Mr. Allred, Ms. Forster-Burke and Dr. Williams.

Karen Chlarson,  
Annual interview:

Ms. Chlarson reported she is currently working as a flight attendant. She stated she would like to pick up a nursing shift when her schedule allows so that her probation period does not keep extending. She reported she last worked as a nurse on December 9, 2006 and understands her probation will be extended for that length of time. She requested her Order be amended to allow her to work in a nursing agency. Dr. Williams indicated the Board does not normally grant per diem work because there is a need for one supervisor who sees her every day and would pick up any changes in behavior. Ms. Chlarson stated it is difficult for her to participate in PIR and AA meetings because of her work schedule as a flight attendant. She stated she has no thoughts of relapse and has not relapsed. She stated she has no cravings and has been clean since November 2004. She stated she has not taken any medications not lawfully prescribed for her.

Tricia Bateman,  
New Order:

Ms. Bateman and her father met with the Committee for her initial interview. She explained the circumstances that brought her before the Board and stated she is currently in Drug Court. She stated she does not feel she should have to participate in probation while in Drug Court. Committee members indicated she does need to remain in compliance with

all terms of the Order. Ms. Bateman also requested access to controlled substances while working in the GI lab at Mountain West Gastroenterology. She stated she had been in Diversion and her access was not restricted and she does not feel there should be a restriction now. She stated has no thoughts of relapse and has not relapsed.

Teresa Williams,  
Annual Interview:

Ms. Williams reported things are going well. She is currently working in a non nursing position and indicated she can not find work as a nurse because of the probation. She reported she last worked as a nurse on April 16, 2006 and is aware that her probation will be extended for that length of time. She indicated she has no thoughts of relapse and has not relapsed. She stated she is not taking any medications not lawfully prescribed for her. She also indicated she has been clean 1 year and 4 months.

Troy Thorum,  
Annual Interview:

Mr. Thorum and his wife met with the Committee. He stated he resolved the issues in Texas and has been working in nursing the last three months at the University of Utah. Mr. Thorum requested that his access to controlled substances be returned. He indicated he has over four years of sobriety and his life now is completely different than it was four years ago. He stated he feels safe and has a good support system. He indicated his sobriety date is March 3, 2003. He stated he has no thoughts of relapse and has not relapsed. He stated he is not taking any medications not lawfully prescribed for him. He is in compliance with the terms and conditions of his Order.

Karen Carter,  
New Order:

Ms. Carter met with the Committee and explained the circumstances that brought her before the Board. She stated she does not have a substance abuse problem and does not understand why she was not placed in the Diversion program. She stated she is not taking any medications not lawfully prescribed for her. She also indicated her employer is aware of her probation. She indicated her prescribing practitioner is Dr. Joe Murdock, and the pharmacy is Smiths on 4500 South. Ms. Carter stated she works three jobs to pay her bills and requested that her Order be amended to allow her to work more than 48 hours per week. She stated she understands the terms and conditions of the Order.

Joleen Gubler,  
Annual Interview:

Ms. Gubler reported things are going well and she continues to work at Porters Nursing Home. She stated she has had no thoughts of relapse and has not relapsed. She stated she has been clean since July 10, 2004. She also stated she is not taking any medications that have not been lawfully prescribed for her. She stated she is not taking any medications from patients, not taking any illegal drugs. She questioned whether or not she was allowed to pick up a controlled prescription medication for her daughter from the pharmacy. Committee members indicated there would be no problem with her picking up a prescription for her daughter.

Sandra Snow,  
Annual Interview:

Ms. Snow stated she has been clean since July 17, 2003. She stated she has had no thoughts of relapse and has not relapsed. She requested that her probation be terminated. Ms. Snow reported she has a good support system and has been clean for 4 years in November. She stated she has had no relapses during that period of time.

Kate Alleman, Annual Interview:

Ms. Alleman will be rescheduled for the next meeting.

Group II – 9:30 a.m.  
Conducting: Marilyn Johnson  
Minute taker: Laura Poe

Members present: Ms. Johnson, Ms. Kirby, Ms. Jeffries and Ms. Rice.

Vaiola Mackay,  
Annual Interview:

Ms. Mackay re-married earlier in June and indicated her life seems to be “falling together better”. She claims to have been clean and sober for almost two years. She denies any relapse, but has nightmares of relapsing. She denies taking anything not lawfully prescribed for her. Ms. Mackay appears to be compliant with the terms and conditions of her Order.

Steven Larsen,  
Annual Interview:

Mr. Larsen is currently chairing a PIR meeting every Monday. He indicated he has had thoughts of relapse but has not relapsed. He denies taking any drugs not lawfully prescribed for him and claims to have been clean and sober 18 months in August. Mr. Larsen appears to be in compliance with the terms and conditions of his Order.

Carmen Maloy,  
New Order:

Ms. Maloy explained the circumstances that led to her disciplinary action. She stated she understands the

terms and conditions of her Order. She is currently unemployed. She last took pain medications approximately 3 weeks ago. Ms. Maloy is scheduled to take the NCLEX-RN examination on July 3, 2007.

Susan Merryweather,  
Annual Interview:

Ms. Merryweather is still unable to find work as a nurse. Ms. Merryweather indicated she has not taken any drugs not lawfully prescribed for her. She denies any thoughts of a relapse or any relapse. Ms. Merryweather stated she thinks her restriction from access to controlled substances has hampered her ability to find a job. Committee members will recommend to the full Board returning access. Ms. Merryweather indicated her pain is well controlled and she is feeling well and would like to return to working as a nurse. She appears to be in compliance with the terms and conditions of her Order.

Sherry Mack,  
New Order:

Committee members clarified questions regarding her Order. Ms. Mack has completed the physical assessment requirement of her Order and is scheduled for the psychological and substance abuse evaluations by Dr. Bruce Etringer next week. Ms. Mack stated she understands the terms and conditions of her Order. A job opening at Salt Lake Community College was discussed. Committee members will recommend amending her Order to allow her to work under general supervision if employed at Salt Lake Community College working with the CNA program and with skills lab with nursing students. Ms. Mack requested her Order be amended to allow her to have two pharmacies (Costco and Walgreen's) to help keep her medical costs down.

Anjanette Alleman,  
New Order:

Ms. Alleman failed to make an appointment to meet with a staff member before the Board meeting. She was given contact information and will be re-scheduled to meet with the Committee in August.

Ann Rooney,  
Annual Interview:

Ms. Rooney requested a meeting with the Board and to request to have her access to controlled substances returned. She submitted letters of support from her employer and co-workers. Ms. Rooney claims to have been clean and sober since December 15, 2005.

Adjourned to lunch at 12:10 p.m.  
Reconvened 1:15 p.m.

Marsha Taylor, Interview and  
Request for Re-licensure:

Ms. Taylor submitted an application for re-licensure in February 2007. She has been calling CVI for urine screens. She explained the circumstances surrounding the loss of her license and why she would like the license returned. She stated she re-entered and completed a treatment program, attends aftercare, co-chairs PIR meetings, attends AA meetings and has made major attitude changes. She stated she is proud of her accomplishments and understands she is an addict in recovery, but misses nursing and would like to return to patient care. She indicated she is committed to sobriety, and her sobriety date is February 2006. She indicated she receives a Lortab prescription for the treatment of migraines. She indicated she has the Lortab in her home and her husband also uses Lortab for pain. She reported she last took the medication in March. She stated she has not used Cocaine in over five years and stated she doesn't feel working around narcotics would be a problem for her. She last worked as a nurse in 2001. The therapist who conducted the substance abuse/psychological evaluation expressed concern with Ms. Taylor returning to nursing practice and having access to controlled substances. Board members expressed concern that Ms. Taylor indicates she is an addict in recovery, but she has a current prescription for her drug of choice and last took the drug in March. There is a disconnect between having the drug readily available in her home with a prescription and indicating active involvement in a recovery program. Ms. Taylor stated she will talk to her doctor and have him prescribe something other than the Lortab for her migraines. Ms. Forster-Burke made a motion to table her request for re-licensure and have her meet with the Board again in three months. During that period of time, she will need to make some changes in her thought process, have the physician prescribe medication other than the Lortab, continue with drug screens and attend meetings. She has made a good recovery and the Board commends her, however, she needs to develop and implement a new pain plan. The Motion was seconded. All Board members in favor.

M. Kay Tate, Interview and

Ms. Tate met with the Board and requested her license

Request for Re-licensure:

be re-issued. She stated she is now responsible and ready to comply with the conditions of probation. She stated her last drink was June 14, 2005. She stated she did not complete a formal treatment program. She indicated she has not practiced since 2001. She stated she has signed up with CVI for the urine screens, but has only been tested once. Board members questioned what is different now and why she feels she will be able to complete probation? She stated she attends AA twice a week, has a sponsor, works, goes to church, spends time with her family and has a strong desire to get back into nursing. She stated that between 2001 and 2005 she had a number of jobs, but has been stable since 2005 and has worked at her current job for 21 months. She indicated she had urine screens through the courts. Board members indicated it would be helpful to have a copy of the urine screens and the paperwork from the court in her file to help the Board with their decision. Ms. Johnson made a Motion to table the request until she has submitted documentation of urine screens and information from the court. Ms. Forster-Burke seconded the Motion. All Board members in favor. Board members also indicated they would like her to complete the Weber State reentry program.

Probation reports:

Karen Chlarson made a request to work per diem in an agency. Committee members recommend denial of the request because it is important to have a supervisor who is familiar with her and would note any changes in behavior. All Board members in favor.

Tricia Bateman requested access to controlled substances in order to continue to work in the GI lab at Mountain West Gastroenterology. She also requested that the Board accept the urine screens from Drug court. Board members determined that she can send in the urine screens from Drug Court, but she still needs to be tested through CVI. The Motion from the Committee was to deny her request for access because she is new to probation and the Board has not had a chance to monitor her on probation. All Board members in favor.

Troy Thorum requested access to controlled substances. He only began to work in nursing three

months ago and Committee members recommend denial of the request because he has been monitored on probation for such a short period of time. All Board members in favor. It was also noted that his probation will need to be extended because the Order was signed a year ago and he just began to practice as a nurse.

Karen Carter has requested she be allowed to work more than 48 hours per week. Committee members recommend she be allowed to work 60 hours per week. All Board members in favor.

Sherry Mack requested she be allowed to work at Salt Lake Community College as a CNA instructor and to work in the skills lab with nursing students under the general supervision of a registered nurse. A Motion was made to approve the request. All Board members in favor. Ms. Mack also requested she be allowed to fill prescriptions at two pharmacies, Costco and Walgreen's. A Motion was made to approve the request. All Board members in favor.

Susan Merryweather requested her access to controlled substances be returned. Committee members made a recommendation to approve the request. Ms. Forster-Burke abstained. All other Board members in favor.

Ann Rooney requested her access to controlled substances be returned. Committee members recommend access to controlled substances be returned. All Board members in favor.

Sandra Snow requested termination of probation. She requested termination of probation in May and the Board denied that request. A Motion was made to again deny the request. The Motion was seconded. All Board members in favor.

#### Order Amendment Requests:

Justin Jasmer requested he be allowed to attend AA meetings in lieu of PIR meetings. A Motion was made to approve his request. The Motion was seconded. All Board members in favor.

Camille Porter requested termination of probation. Ms. Porter has been in compliance with her Order.

Her probation is scheduled to end in another year and half. Ms. Johnson made a Motion to deny the request because the fourth year is a year many relapses happened. Board members would like to continue to monitor her probation. The Motion was seconded. All Board members in favor.

Dyan Farnworth requested early termination of probation. The Order from the OSC Hearing extended her probation for one year. The OSC Hearing was six months ago. A Motion was made to deny her request. The Motion was seconded. All Board members in favor.

Theresa Brewer requested she be allowed to work as a CNA instructor at CEU under general supervision. Ms. Forster-Burke made a Motion to approve the request. Dr. Williams seconded the Motion. All Board members in favor.

Leslie Christensen's therapist submitted a report indicating therapy was no longer necessary. Ms. Forster-Burke made a Motion to terminate the therapy requirement. Dr. Williams seconded the Motion. All Board members in favor.

Judy Teerlink requested she be allowed to work in a nursing agency. Ms. Johnson made a Motion to deny the request because of the concern with her lack of skills or outdated skills and the lack of supervision. The Motion was seconded. All Board members in favor.

Education Committee Report:

Ms. Forster-Burke indicated the Committee will be reviewing NCLEX reports monthly for provisionally approved programs.

Ms. Forster-Burke indicated Provo College requested they be approved to move to Semesters and to gradually increase the number of students to be accepted into the program (up to 40 students). Committee members recommended both requests be approved as long as there is adequate faculty and adequate clinical sites. All Board members in favor.

Christopher Singer,

Ms. Forster-Burke made a Motion to approve the

- Controlled Substance application: controlled substance application. Dr. Williams seconded the Motion. All Board members in favor.
- Gina D'Ottavio application: The additional information that was requested has not been received. The application will be tabled until August.
- Medication Aid Discussion: Members of the Education Committee will review a national medication aid model developed by the NCSBN. Ms. Poe indicated she will contact Representative Lockhart and request the implementation be held until the model language can be adopted.
- Review the "Prescriber Alert" Document: Ms. Poe reported the Physicians Licensing Board drafted the document to be mailed to all individuals who prescribed controlled substances. Ms. Poe indicated she will modify the cover letter and mail out to APRNs with controlled substance licenses if the Board agrees. Board members agreed it should be mailed to those who have a controlled substance license.
- Proposed Rules: Ms. Poe indicated there will be two rules filings. The first does not need a hearing and includes the inclusion of the CRNAs into the APRN licensure category. The second will have a Rules Hearing and clarifies the delegation of nursing tasks in a school setting. The Rules Hearing will be scheduled for August. Board members suggested one change, and that was to eliminate (3)(b) PRN medications unless expressly instructed to do so by the school nurse.
- Marilyn Johnson, Recognition and Appreciation extended for Eight Years of Service on the Board: Board members and Division staff thanked Ms. Johnson for her eight years of service on the Board. Her expertise will be missed.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

August 24, 2007  
Date Approved

(ss) Pam Rice  
Pam Rice, Chair Board of Nursing

August 24, 2007  
Date Approved

(ss) Laura Poe  
Laura Poe, Bureau Manager, Division of Occupational & Professional Licensing